

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

DANIEL J. BOHRINGER,

Plaintiff,

v.

U.S. BANK NA,

Defendant.

Case No. 19-CV-665-JPS

**ORDER**

Plaintiff filed this action, titled a "Mortgage Foreclosure alt. Quiet Title Action," on May 7, 2019. (Docket #1). This matter comes before the court on Plaintiff's motion to proceed *in forma pauperis*. (Docket #2). In order to allow a party to proceed without prepaying the \$400 filing fee in this matter, the Court must first decide whether they have the ability to pay the fee and, if not, whether the lawsuit states a claim for relief. 28 U.S.C. §§ 1915(a), (e)(2)(B). On the question of indigence, although Plaintiff need not show that he is totally destitute, *Zaun v. Dobbin*, 628 F.2d 990, 992 (7th Cir. 1980), it must be remembered that the privilege of proceeding *in forma pauperis* "is reserved to the many truly impoverished litigants who, within the District Court's sound discretion, would remain without legal remedy if such privilege were not afforded to them," *Brewster v. N. Am. Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972).

Plaintiff does not meet this standard. He earns just \$800 per month, and states that his total expenses are \$600 per month. (Docket #2). However, Plaintiff further states that he has \$1,500 in a savings account. *Id.* This is more than sufficient to pay the filing fee. Plaintiff does not explain any extenuating circumstances in the "Other Circumstances" portion of the

form motion. *Id.* The Court will, therefore, deny Plaintiff leave to proceed without prepayment of the filing fee.

This finding should come as no surprise to Plaintiff, as he filed an identical motion for leave to proceed *in forma pauperis* in a case he filed in this District in March 2019. *U.S. Bank Nat'l Assoc. v. Daniel J. Bohringer*, Case No. 19-CV-317-JPS (E.D. Wis.), (Docket #2). The Court similarly denied Plaintiff leave to proceed *in forma pauperis* in that case. *Id.*, (Docket #3). Plaintiff did not, however, actually pay the filing fee in that case. The Court will, therefore, order that Plaintiff pay the full filing fee he owes in *both* actions on or before **May 24, 2019**. If he fails to do so, this action will be dismissed without prejudice and without further notice.

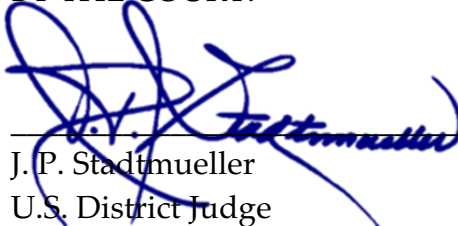
Accordingly,

**IT IS ORDERED** that Plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED**;

**IT IS FURTHER ORDERED** that Plaintiff shall pay the full filing fee owed in both this case and in Case No. 19-CV-317-JPS on or before **May 24, 2019**.

Dated at Milwaukee, Wisconsin, this 8th day of May, 2019.

BY THE COURT:



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J. P. Stadtmueller  
U.S. District Judge